

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|----------------------------------|---|--------------------------------------|
| GRAHAM ENGINEERING CORP., | : | CIVIL ACTION NO. 1:16-CV-2527 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| KEVIN SLUSARZ, | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 18th day of October, 2017, upon consideration of the motion (Doc. 26) to dismiss filed April 14, 2017 by defendant Kevin Slusarz (“Slusarz”) pursuant to Federal Rule of Civil Procedure 12(b)(6), and further upon consideration of plaintiff Graham Engineering Corporation’s second amended complaint (Doc. 44) filed October 17, 2017, and the court noting that an amended pleading supersedes the original “in providing the blueprint for the future course of the lawsuit,” Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002); see also 6 CHARLES ALAN WRIGHT *ET AL.*, FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed. 2015), and the court thus finding that the second amended complaint renders the first amended complaint a nullity, it is hereby ORDERED that:

1. Slusarz’s motion (Doc. 26) to dismiss is DENIED as moot and without prejudice.
2. Slusarz shall respond to the second amended complaint (Doc. 44) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania